

EXHIBIT T2

Deposition of Alfredo Martinez (Part II)

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<p>1 UNITED STATES DISTRICT COURT</p> <p>2 FOR THE SOUTHERN DISTRICT OF TEXAS</p> <p>3 HOUSTON DIVISION</p> <p>4 UNITED STATES OF : AMERICA :</p> <p>5 VS. : CIVIL ACTION NO. 4:18-CV-00644</p> <p>6 CITY OF HOUSTON :</p> <hr/> <p>7 JANE DRAYCOTT AND : PAULA KEYES :</p> <p>8 VS. : CITY OF HOUSTON :</p> <p>14 ORAL DEPOSITION OF 15 ALFREDO MARTINEZ, II 16 VOLUME 2</p> <p>23 September 16, 2019 Houston, Texas</p> <p>25 REPORTED BY: Craig Michael Bechtel</p>	<p>1 A P P E A R A N C E S</p> <p>2 COUNSEL FOR PLAINTIFF UNITED STATES OF AMERICA:</p> <p>3 Mr. Jeremy P. Monteiro Mr. Jeremy P. Monteiro U.S. Department of Justice Civil Rights Division 601 D Street, NW, Room 4500 Washington, DC 20004 hector.ruiz@usdoj.gov jeremy.monteiro@usdoj.gov</p> <p>6 and</p> <p>7 Ms. Elizabeth F. Karpati U.S. Department of Justice Southern District of Texas 1000 Louisiana, Suite 2300 Houston, Texas 77002 713-567-9767 elizabeth.karpati@usdoj.gov</p> <p>11 COUNSEL FOR PLAINTIFFS JANE DRAYCOTT AND PAULA KEYES:</p> <p>12 Mr. Dwain Capodice Ahmad & Capodice 24900 Pitkin, Suite 300 The Woodlands, Texas 77386 832-767-3207 dcapodice@ahmad-capodice.com</p> <p>15 COUNSEL FOR DEFENDANT:</p> <p>16 Ms. Marjorie L. Cohen City of Houston Legal Department 900 Bagby, 3rd Floor Houston, Texas 77002 832-393-6457 marjorie.cohen@houstontx.gov</p>
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<p>1 I N D E X</p> <p>2 PAGE</p> <p>3 Appearances..... 144</p> <p>4 Stipulations..... 145</p> <p>5 Testimony of ALFREDO MARTINEZ, II</p> <p>6 EXAMINATION</p> <p>7 By Mr. Monteiro 146</p> <p>8 Correction and Signature Page..... 163</p> <p>9 Reporter's Certificate Page..... 165</p> <p>11 EXHIBIT INDEX</p> <p>13 PAGE</p> <p>14 Exhibit No. 21..... 153</p>	<p>1 THE ORAL DEPOSITION OF ALFREDO MARTINEZ, II, was</p> <p>2 taken by PLAINTIFF UNITED STATES OF AMERICA before Craig</p> <p>3 Michael Bechtel, a Certified Shorthand Reporter in and</p> <p>4 for the State of Texas, in the offices of the City of</p> <p>5 Houston Legal Department, 900 Bagby, 3rd Floor, Houston,</p> <p>6 Texas, between the hours of 9:13 a.m. and 9:38 a.m., on</p> <p>7 September 16, 2019, pursuant to Notice and the Federal</p> <p>8 Rules of Civil Procedure and the following stipulations</p> <p>9 and waiver of counsel:</p> <p>11 IT IS STIPULATED AND AGREED by and between</p> <p>12 counsel for the respective parties hereto that all</p> <p>13 objections are reserved until the time of trial, except</p> <p>14 those as to the form of the question and/or</p> <p>15 responsiveness of the answer; that the Federal read-in</p> <p>16 is waived.</p>

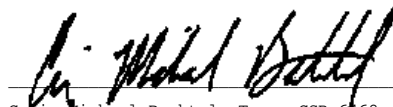
<p>Page 146</p> <p>1 ALFREDO MARTINEZ, II,</p> <p>2 having been first duly sworn, testified as follows:</p> <p>3 EXAMINATION</p> <p>4 BY MONTEIRO:</p> <p>5 Q. Good morning, chief Martinez.</p> <p>6 A. Good morning.</p> <p>7 Q. So this is -- that you understand, this is a</p> <p>8 continuation from your deposition last month where you</p> <p>9 were designated as the City's representative for a</p> <p>10 certain number of topics?</p> <p>11 A. Yes.</p> <p>12 Q. So I am going to show you what we previously</p> <p>13 marked as deposition exhibit 1 to you, and that is the</p> <p>14 plaintiff's amended notice of federal rule of civil</p> <p>15 procedure 30(b)6 deposition to defendant City of</p> <p>16 Houston. If I can direct your attention to page 8,</p> <p>17 subtopic 5B.</p> <p>18 And if you could read that and let me</p> <p>19 know when you have had a chance to review that.</p> <p>20 A. I am ready.</p> <p>21 Q. Now, you were previously -- last month you</p> <p>22 were previously deposed on the City's dissemination and</p> <p>23 implementation of the 2018 complaint policy. Does that</p> <p>24 sound accurate?</p> <p>25 A. Yes, sir.</p>	<p>Page 148</p> <p>1 to that policy?</p> <p>2 A. No. So for example, the NPO courses that we</p> <p>3 teach, I go out to the academy and personally provide</p> <p>4 the training for those NPO courses.</p> <p>5 Q. I think we talked about that last time.</p> <p>6 That's newly promoted officer training?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Okay. Besides the NPO training, have you</p> <p>9 provided any training with respect to the complaint</p> <p>10 policy?</p> <p>11 A. As far as dissemination, I believe I turned</p> <p>12 in the updated guideline that was posted on the desktop</p> <p>13 on January. There wasn't -- there was a general order</p> <p>14 sent out later in the year to advise members to read</p> <p>15 the updated guidelines.</p> <p>16 As far as dissemination in that sense,</p> <p>17 yes, I participated in submitting that.</p> <p>18 Q. Any other training that you provided, other</p> <p>19 than the newly promoted officer training, with respect</p> <p>20 to that policy?</p> <p>21 A. No, not the training in specific.</p> <p>22 Q. Have you received training with respect to</p> <p>23 that policy?</p> <p>24 A. No.</p> <p>25 Q. I am going to give you a copy of the</p>
<p>Page 147</p> <p>1 Q. So today we are going to be talking about</p> <p>2 the City's training regarding that complaint policy.</p> <p>3 A. Yes, sir.</p> <p>4 Q. You understand that?</p> <p>5 A. Yes.</p> <p>6 Q. Are you prepared to testify as to -- as the</p> <p>7 City's representative regarding the training on that</p> <p>8 complaint policy today?</p> <p>9 A. Yes.</p> <p>10 Q. Do you have any personal knowledge of any</p> <p>11 training provided under the 2018 complaint policy?</p> <p>12 A. I am sorry. What do you mean by personal</p> <p>13 knowledge?</p> <p>14 Q. Were you personally involved, in your</p> <p>15 capacity as a chief, with regard to the training</p> <p>16 provided under that policy?</p> <p>17 A. Yes. And some of the topics -- there may be</p> <p>18 a topic -- for example, probationary training -- where</p> <p>19 I wasn't doing it in person, but I know it was</p> <p>20 completed by our staff.</p> <p>21 Q. Okay. Did you provide any of the training</p> <p>22 under that -- with respect to that complaint policy?</p> <p>23 A. Yes, I have. I have done personal training.</p> <p>24 Q. I am sorry. Let me make sure I understand.</p> <p>25 You have received training with respect</p>	<p>Page 149</p> <p>1 complaint policy. This is -- I am showing you what we</p> <p>2 previously marked as exhibit 12 to your deposition last</p> <p>3 month. Can you identify that document?</p> <p>4 A. Yes. It's the complaint guideline.</p> <p>5 Q. And the complaint guideline has the date on</p> <p>6 the bottom of August 1st of 2018. Is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. Does that mean that the policy was issued on</p> <p>9 or about August 1st, 2018?</p> <p>10 A. Usually sometimes the date can be different</p> <p>11 on the desktop when it was actually posted.</p> <p>12 Q. Presumably that would be later?</p> <p>13 A. Yes.</p> <p>14 Q. When does the policy become effective, when</p> <p>15 it's posted on the desktop or when it's issued by the</p> <p>16 fire department?</p> <p>17 A. I believe it would use the date that is</p> <p>18 listed on the desktop so everybody is informed or has</p> <p>19 access to it.</p> <p>20 Q. So when -- can you estimate when this</p> <p>21 complaint policy was posted on the desktop?</p> <p>22 A. I can't on this one. I did check our</p> <p>23 desktop, and the most current guideline that we have</p> <p>24 for complaints is actually dated October of 2018. And</p> <p>25 that version was placed on the desktop January of this</p>

<p style="text-align: right;">Page 150</p> <p>1 year.</p> <p>2 Q. When exhibit 12 went into effect, was any</p> <p>3 training provided by the City with respect to that</p> <p>4 policy?</p> <p>5 A. In terms of training for that one would have</p> <p>6 been exposure to promotional exams. Probationary</p> <p>7 firefighters that were in their phase 2 training would</p> <p>8 have been trained on this policy, as well, and tested</p> <p>9 on it.</p> <p>10 We were scheduled to do biannual</p> <p>11 training on this policy, but we were -- we were pushed</p> <p>12 to the following semester because there is some HR</p> <p>13 concerns that had to be presented to the membership.</p> <p>14 So we are currently rescheduled for the</p> <p>15 next session, which starts in January, but this one was</p> <p>16 not presented in that course because of those changes.</p> <p>17 Q. Anything else?</p> <p>18 A. I am trying to think here.</p> <p>19 That's all that comes to mind right</p> <p>20 now.</p> <p>21 Q. Okay. Now, you mentioned -- strike that.</p> <p>22 So with respect to exposure to</p> <p>23 promotional exams, can you explain what you meant by</p> <p>24 that?</p> <p>25 A. So when promotional exams are prepared,</p>	<p style="text-align: right;">Page 152</p> <p>1 times, depending on the member. The exposure is there.</p> <p>2 As far as testing for it, it would have</p> <p>3 to be one of the questions on the test.</p> <p>4 Q. Do you know how the test typically would</p> <p>5 test for that knowledge of the policy?</p> <p>6 A. So the test writers -- I'm not sure how they</p> <p>7 do their job or how they choose the questions, but they</p> <p>8 go through all the materials and choose questions from</p> <p>9 different sources and create the exam.</p> <p>10 Q. And would it be -- would the -- would it be</p> <p>11 something that would test the firefighters' knowledge</p> <p>12 of the policy or the application of the policy? Would</p> <p>13 it be information about that?</p> <p>14 A. It would be knowledge. The tests are word</p> <p>15 for word for the most part.</p> <p>16 Q. And any other ways in which the promotional</p> <p>17 exams provide any training with respect to exhibit 12?</p> <p>18 A. No.</p> <p>19 Q. Then you mentioned that -- I think you said</p> <p>20 probationary firefighters' phase 2 training. Is that</p> <p>21 right?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Can you tell me about that?</p> <p>24 A. Sure. So when a firefighter graduates the</p> <p>25 academy and is assigned to a fire station, they are</p>
<p style="text-align: right;">Page 151</p> <p>1 there is a committee that is put together to choose the</p> <p>2 reading material for that particular exam. After</p> <p>3 choosing books, they go through policies, guidelines,</p> <p>4 and procedures that may affect that position. Most</p> <p>5 exams, especially supervisory levels, will have the</p> <p>6 complaint guideline as one of the required readings for</p> <p>7 the promotional exam.</p> <p>8 Q. So it's on the -- exhibit 12 was on the</p> <p>9 reading list for some promotional exams?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Do you know which positions?</p> <p>12 A. Not off memory. But like I said, typically</p> <p>13 they are supervisory positions, and even the first</p> <p>14 position is engineer operator. They have the ability</p> <p>15 to ride in higher class, supervisory court positions.</p> <p>16 The complaint guidelines will probably be on theirs, as</p> <p>17 well.</p> <p>18 Q. Do you know that for a fact?</p> <p>19 A. No, sir, not with 100 percent certainty.</p> <p>20 Q. And do you know how the -- the firefighters'</p> <p>21 knowledge of complaint on exhibit 12 will be assessed</p> <p>22 on the promotional exam?</p> <p>23 A. Other than it being a question on the exam,</p> <p>24 but most of the exams are pretty competitive. The</p> <p>25 members will read the material four or five, maybe ten</p>	<p style="text-align: right;">Page 153</p> <p>1 still on probationary status for an additional six</p> <p>2 months. Those six months are split into phases, into</p> <p>3 three phases, and each phase they are charged with or</p> <p>4 they are taught certain tasks of fire ground</p> <p>5 operations. There are also certain guidelines that are</p> <p>6 placed in each phase. In order to move to the next</p> <p>7 phase, a member has to show understanding of those</p> <p>8 guidelines.</p> <p>9 The complaint guidelines happen to be</p> <p>10 in phase 2 of this testing. So what happens there, the</p> <p>11 member is -- reviews the policy. They even date with</p> <p>12 the supervisor when it was reviewed. Then they are</p> <p>13 tested on their knowledge of that particular policy,</p> <p>14 and a grade is placed on the test to phase 2 paperwork.</p> <p>15 Q. And you brought some documents with you</p> <p>16 today.</p> <p>17 MR. MONTEIRO: Go off the record.</p> <p>18 (Recess from 9:24 to 9:25 a.m.)</p> <p>19 (Exhibit 21 marked.)</p> <p>20 BY MR. MONTEIRO:</p> <p>21 Q. I am showing you what's been marked as</p> <p>22 exhibit 21. You just testified about the phase 2</p> <p>23 testing, which encompasses understanding of the</p> <p>24 complaint guideline.</p> <p>25 Can you explain what the documents are</p>

<p>Page 154</p> <p>1 in exhibit 21?</p> <p>2 A. So the first document here is the</p> <p>3 probationary firefighter paperwork for phase 2 testing,</p> <p>4 which lists all the tasks and guidelines that are going</p> <p>5 to be reviewed by the firefighter during this phase.</p> <p>6 And down in the guideline section, it lists</p> <p>7 10 guidelines there that are being reviewed.</p> <p>8 The first is the complaint guideline</p> <p>9 among others. Then it has a -- a place where a date</p> <p>10 can be added when that guideline was reviewed by the</p> <p>11 member and the supervisor. The --</p> <p>12 Q. Sorry. Let me just ask you one question</p> <p>13 before you continue.</p> <p>14 Are you talking about guideline 1 where</p> <p>15 it says citizens' complaints?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. You can continue.</p> <p>18 A. And the second page is just a document, the</p> <p>19 evaluation. It has a place for a quiz grade to be</p> <p>20 plugged in and a -- a date; if necessary, a retest and</p> <p>21 a date for that.</p> <p>22 Q. Now, the reference to citizen complaints in</p> <p>23 exhibit 21, is that -- is that the focus of that</p> <p>24 training, the training of the probationary firefighter</p> <p>25 on how to respond to citizen complaints?</p>	<p>Page 156</p> <p>1 The initial setup of the course, I was</p> <p>2 to be teaching an hour's worth of complaint guidelines</p> <p>3 and also grievances, motor vehicle accidents, things</p> <p>4 like that.</p> <p>5 And before the final schedule was</p> <p>6 placed, there was some HR concerns that had to be</p> <p>7 taught, as well, dealing with harassment and things</p> <p>8 like that, discrimination. So they took precedence</p> <p>9 over the complaint.</p> <p>10 I was -- I was told then that I would</p> <p>11 be in the next semester of the biannual training, which</p> <p>12 is set to begin in January.</p> <p>13 Q. January of 2020?</p> <p>14 A. Yes.</p> <p>15 Q. And prior to -- strike that.</p> <p>16 When did this -- when was the biannual</p> <p>17 training that you were scheduled to conduct supposed to</p> <p>18 happen?</p> <p>19 A. I know it was this year in 2019. I just</p> <p>20 don't know if it started in January or later in the</p> <p>21 year.</p> <p>22 Q. Okay. And prior to 2019 do you know if the</p> <p>23 complaint policy was included in any biannual training?</p> <p>24 A. I don't know that it existed before. Like I</p> <p>25 said, this new fire chief is the one that implemented</p>
<p>Page 155</p> <p>1 A. I believe that the name may be -- may have</p> <p>2 to be updated in the phase 2 paperwork. Now it is --</p> <p>3 it is policy 1-04, which is complaints, but they have</p> <p>4 named it citizen complaint for some reason.</p> <p>5 But the focus is just understanding of</p> <p>6 the guideline in itself and knowing what to do when</p> <p>7 presented with certain issues and knowing where</p> <p>8 complaints may be filed.</p> <p>9 Q. Okay. And there is a part of exhibit 12</p> <p>10 that deals with citizen complaints, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And what is the testing that</p> <p>13 supervisor conducts with the probationary firefighter</p> <p>14 regarding their knowledge of exhibit 12?</p> <p>15 A. I am not familiar on how the test format is.</p> <p>16 Q. And then the final thing you told me was</p> <p>17 there were some planned training with respect to the</p> <p>18 complaint guideline. Can you explain that a little</p> <p>19 more?</p> <p>20 A. Yes. So the fire chief or -- the new fire</p> <p>21 chief Samuel Pena began what he called biannual</p> <p>22 training where every member of the fire department was</p> <p>23 going to be brought down to the fire academy and</p> <p>24 receive eight hours' worth of training in different</p> <p>25 topics.</p>	<p>Page 157</p> <p>1 this. Biannual wasn't in place -- it could have been</p> <p>2 2018. I am just getting my...</p> <p>3 Q. Okay. Other than when the complaint</p> <p>4 initially became effective, was there any other</p> <p>5 training provided with respect to the complaint</p> <p>6 policy --</p> <p>7 A. Not --</p> <p>8 Q. -- other than what you have told me?</p> <p>9 A. No, sir, not that I remember.</p> <p>10 Q. You mentioned something about -- at the</p> <p>11 beginning of the deposition, you mentioned that you had</p> <p>12 a role in training newly promoted officers?</p> <p>13 A. Yes.</p> <p>14 Q. Is that with respect to the complaint</p> <p>15 policy, which has been marked as exhibit 12?</p> <p>16 A. I believe so, but I -- I believe that I was</p> <p>17 using the new guideline that I told you about that was</p> <p>18 updated in October.</p> <p>19 Q. Okay.</p> <p>20 A. So it's a little newer than this one. That</p> <p>21 was used in an NPO class for captains that occurred in</p> <p>22 March. There was --</p> <p>23 Q. March of 2019?</p> <p>24 A. 2019? Yes.</p> <p>25 Q. Okay. Do you know if exhibit 12 had been</p>

<p style="text-align: right;">Page 158</p> <p>1 presented to -- presented in newly promoted officer</p> <p>2 training prior to March of 2019?</p> <p>3 A. I believe it has been in NPOs, but not by</p> <p>4 myself, by the previous person that was in charge of</p> <p>5 what was called staff services before it was</p> <p>6 professional standards. They went out with HR to</p> <p>7 present both topics at the same time, HR topics and</p> <p>8 staff services, complaints.</p> <p>9 Q. Who was that person?</p> <p>10 A. I believe that was chief McLeod.</p> <p>11 Q. Okay. Any training on exhibit 12 was</p> <p>12 presented by chief McLeod prior to March of 2019?</p> <p>13 A. Well, not on this particular exhibit,</p> <p>14 because I was speaking in terms of when she was in</p> <p>15 charge of the office. That was before 2018.</p> <p>16 Q. Okay.</p> <p>17 A. So I have been in charge of the office since</p> <p>18 then. So prior versions of the complaint guideline</p> <p>19 were presented by the person in charge of the staff</p> <p>20 services.</p> <p>21 Sorry for the confusion.</p> <p>22 Q. No. That's fine. Did you only train</p> <p>23 captains on the policy?</p> <p>24 A. There was also a senior captains' course,</p> <p>25 NPO course scheduled in May.</p>	<p style="text-align: right;">Page 160</p> <p>1 says employees confronted with serious complaints that</p> <p>2 cannot be resolved immediately, that allege</p> <p>3 discrimination, retaliation, or harassment shall</p> <p>4 instruct the complaining party to forward their</p> <p>5 complaint to the office of inspector general.</p> <p>6 Is that right?</p> <p>7 A. Yes.</p> <p>8 Q. The paragraph uses the term serious</p> <p>9 complaints. Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Has the City provided any specialized</p> <p>12 training as to what constitutes a serious complaint</p> <p>13 under this policy?</p> <p>14 A. I don't know that they provided training</p> <p>15 that specifically ties the word serious to training,</p> <p>16 but when HR has gone out to speak on issues such as</p> <p>17 discrimination and retaliation, I believe the message</p> <p>18 is pushed across that those are serious allegations and</p> <p>19 anything that involves those, but to specifically say</p> <p>20 serious and then have a list of what is serious, I am</p> <p>21 not familiar with that.</p> <p>22 Q. Okay. The policy also uses the term</p> <p>23 discrimination and retaliation. Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. Do you know if there has been any</p>
<p style="text-align: right;">Page 159</p> <p>1 Q. Of 2019?</p> <p>2 A. Yes.</p> <p>3 Q. Did that go forward?</p> <p>4 A. I am sorry?</p> <p>5 Q. Did that go forward?</p> <p>6 A. No, sir.</p> <p>7 HR and myself were on the way to the</p> <p>8 academy to teach the courses and that particular day</p> <p>9 those senior captains were -- received notifications</p> <p>10 that they were being demoted by the City.</p> <p>11 And so they were getting phone calls</p> <p>12 from their spouses at home saying that they received a</p> <p>13 letter in the mail they are being demoted. This</p> <p>14 particular training was specific for senior captain</p> <p>15 training.</p> <p>16 So we opted not to teach the course</p> <p>17 that particular day. We are attempting to try to</p> <p>18 reschedule that training. Once these members leave the</p> <p>19 academy, they go to different stations and different</p> <p>20 shifts. There is a difficulty there to bring the</p> <p>21 particular group back together. And there is one more</p> <p>22 captains, NPO scheduled for October 9th where I am</p> <p>23 supposed to go to the academy.</p> <p>24 Q. If we look at the complaint policy, on</p> <p>25 page 3 of the complaint policy under section 601B, it</p>	<p style="text-align: right;">Page 161</p> <p>1 specialized training as to what constitutes a complaint</p> <p>2 that alleges discrimination under this policy?</p> <p>3 A. Specific training, no, but we have a</p> <p>4 checkoff form if someone does happen to file a</p> <p>5 complaint with us, where they have options to choose</p> <p>6 checkboxes if they feel there was discrimination</p> <p>7 involved, retaliation, or any type of harassment.</p> <p>8 Once those boxes are checked, we</p> <p>9 forward those cases to OIG, because the members there</p> <p>10 have the specialized training to deal with those types</p> <p>11 of cases.</p> <p>12 Q. When you say us, you are referring to the</p> <p>13 office of professional standards?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Formerly staff services?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Okay. Would your answer be the same if I</p> <p>18 asked you about training with respect to what</p> <p>19 constitutes a complaint that alleges retaliation?</p> <p>20 A. Yes.</p> <p>21 Q. And would your answer be the same if I asked</p> <p>22 you about training with respect to what constitutes a</p> <p>23 complaint that alleges harassment?</p> <p>24 A. Yes.</p> <p>25 MR. MONTEIRO: All right, chief. Those</p>

<p>Page 162</p> <p>1 are all the questions I have for you.</p> <p>2 I will turn it over to Mr. Capodice,</p> <p>3 see if he has anything to follow up.</p> <p>4 MR. CAPODICE: I don't have any</p> <p>5 questions.</p> <p>6 MS. COHEN: We will reserve for trial.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 164</p> <p>1 true and correct, except as noted herein.</p> <p>2</p> <p>3 _____</p> <p>4 ALFREDO MARTINEZ, II</p> <p>5 THE STATE OF _____)</p> <p>6 COUNTY OF _____)</p> <p>7 Before me, _____, on this</p> <p>8 day personally appeared ALFREDO MARTINEZ, II, known to</p> <p>9 me (or proved to me under oath through _____)</p> <p>10 (description of identity card or other document) to be</p> <p>11 the person whose name is subscribed to the foregoing</p> <p>12 instrument and acknowledged to me that they executed the</p> <p>13 same for the purposes and consideration therein</p> <p>14 expressed.</p> <p>15</p> <p>16 Given under my hand and seal of office this</p> <p>17 _____ day of _____, _____. </p> <p>18</p> <p>19 _____</p> <p>20 NOTARY PUBLIC IN AND FOR</p> <p>21 THE STATE OF _____</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 163</p> <p>1 CORRECTIONS AND SIGNATURE</p> <p>2 PAGE LINE CHANGE REASON</p> <p>3 _____</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 I, ALFREDO MARTINEZ, II, have read the foregoing</p> <p>25 deposition and hereby affix my signature that same is</p>	<p>Page 165</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 FOR THE SOUTHERN DISTRICT OF TEXAS</p> <p>3 HOUSTON DIVISION</p> <p>4 UNITED STATES OF : AMERICA :</p> <p>5 VS. : CIVIL ACTION NO. 4:18-CV-00644</p> <p>6 CITY OF HOUSTON :</p> <p>7 JANE DRAYCOTT AND : PAULA KEYES :</p> <p>8 VS. : CITY OF HOUSTON :</p> <p>9</p> <p>10</p> <p>11 REPORTER'S CERTIFICATION</p> <p>12 DEPOSITION OF ALFREDO MARTINEZ, II</p> <p>13 VOLUME 2</p> <p>14 September 16, 2019</p> <p>15</p> <p>16 I, Craig Michael Bechtel, Certified Shorthand</p> <p>17 Reporter in and for the State of Texas, hereby certify</p> <p>18 to the following:</p> <p>19 That the witness, ALFREDO MARTINEZ, II, was duly</p> <p>20 sworn by the officer and that the transcript of the oral</p> <p>21 deposition is a true record of the testimony given by</p> <p>22 the witness;</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 166</p> <p>1 That the deposition transcript was submitted on</p> <p>2 _____ to the witness or to the attorney</p> <p>3 for the witness for examination, signature and return to</p> <p>4 me by _____;</p> <p>5 That the amount of time used by each party at the</p> <p>6 deposition is as follows:</p> <p>7 Mr. Jeremy Monteiro - 00:25</p> <p>8 That pursuant to information given to the</p> <p>9 deposition officer at the time said testimony was taken,</p> <p>10 the following includes counsel for all parties of</p> <p>11 record:</p> <p>12 COUNSEL FOR PLAINTIFF UNITED STATES OF AMERICA:</p> <p>13 Mr. Jeremy P. Monteiro</p> <p>14 Mr. Hector F. Ruiz, Jr.</p> <p>15 U.S. Department of Justice</p> <p>16 Civil Rights Division</p> <p>17 601 D Street, NW, Room 4500</p> <p>18 Washington, DC 20004</p> <p>19 hector.ruiz@usdoj.gov</p> <p>20 jeremy.monteiro@usdoj.gov</p> <p>21 and</p> <p>22 Ms. Elizabeth F. Karpati</p> <p>23 U.S. Department of Justice</p> <p>24 Southern District of Texas</p> <p>25 1000 Louisiana, Suite 2300</p> <p>Houston, Texas 77002</p> <p>713-567-9767</p> <p>elizabeth.karpati@usdoj.gov</p> <p>COUNSEL FOR PLAINTIFFS JANE DRAYCOTT AND PAULA KEYES:</p> <p>Mr. Dwain Capodice</p> <p>Ahmad & Capodice</p> <p>24900 Pitkin, Suite 300</p> <p>The Woodlands, Texas 77386</p> <p>832-767-3207</p> <p>dcapodice@ahmad-capodice.com</p>	
<p style="text-align: right;">Page 167</p> <p>1 COUNSEL FOR DEFENDANT:</p> <p>2 Ms. Marjorie L. Cohen</p> <p>3 City of Houston Legal Department</p> <p>4 900 Bagby, 3rd Floor</p> <p>5 Houston, Texas 77002</p> <p>6 832-393-6457</p> <p>7 marjorie.cohen@houstontx.gov</p> <p>8 I further certify that I am neither counsel for,</p> <p>9 related to, nor employed by any of the parties or</p> <p>10 attorneys in the action in which this proceeding was</p> <p>11 taken, and further that I am not financially or</p> <p>12 otherwise interested in the outcome of the action.</p> <p>13 Further certification requirements will be</p> <p>14 certified to after they have occurred.</p> <p>15 Certified to by me this 1st day of</p> <p>16 October, 2019.</p> <p>17</p> <p>18 </p> <p>19 Craig Michael Bechtel, Texas CSR 6462</p> <p>20 Lexitas</p> <p>21 Firm Registration No. 95</p> <p>22 13101 Northwest Freeway, Suite 210</p> <p>23 Houston, Texas 77040</p> <p>24 888-893-3767</p> <p>25 Expiration: 10-31-21</p>	

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